

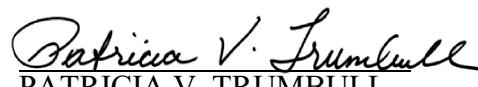
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 ROBERT MCCARTHY,) Case No.: C 09-4396 PVT
12 Plaintiff,) **ORDER TO SHOW CAUSE WHY CASE**
13 v.) **SHOULD NOT BE DISMISSED FOR FAILURE**
14 RAMADA WORLDWIDE, INC.,) **TO PROSECUTE**
15 Defendants.)
16 _____)

17 This action was removed to this court from state court on September 18, 2009. Pursuant to
18 the Scheduling Order for Cases Asserting Denial of Right of Access under Americans with
19 Disabilities Act Title II & III (42 U.S.C. §§ 12131–89), the last day for Plaintiff to file a “Notice of
20 Need for Mediation” was February 11, 2010 (45 days after the Joint Site Inspection, which that order
21 set as December 28, 2009). Plaintiff failed to file any such notice, and other than a dismissal of
22 Defendant Ramada Worldwide, Inc., there is no activity reflected in the docket of this case since it
23 was removed from state court. Therefore,

24 IT IS HEREBY ORDERED that, no later than October 12, 2010, Plaintiff shall file a
25 declaration showing cause, if any, why this case should not be dismissed for failure to prosecute.
26 See, FED.R.CIV.PRO. 41(b).

27 Dated: 9/27/10


PATRICIA V. TRUMBULL
United States Magistrate Judge